

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NORTH DAKOTA**

United States of America,	)	
	)	
Plaintiff,	)	<b>ORDER GRANTING DEFENDANT’S</b>
	)	<b>MOTION FOR PRETRIAL RELEASE</b>
vs.	)	
	)	
Jacob Bradley Demarais,	)	Case No. 1:21-cr-130
	)	
Defendant.	)	

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Defendant is charged in an Indictment with two offenses: (1) distribute of images depicting the sexual exploitation of children in violation of 18 U.S.C. §§ 2252(a)(2) and 2252(b)(1); and (2) possession of images depicting the sexual exploitation of children in violation of 18 U.S.C. §§ 2252(a)(4)(B) and 2252(b)(2). (Doc. No. 12). The court ordered him detained following a detention hearing on June 22, 2021. (Doc. Nos. 16, 19). Due to a lack of available bed space in this district, the United States Marshal is housing him for the time being in the Washington County Jail in Akron, Colorado.

On July 21, 2021, defendant filed a Motion for Pretrial Release. (Doc. No. 22). He advises that he has enrolled in a psychosexual related dysfunction treatment program at Alpha Human Services (“Alpha”) in Minneapolis, Minnesota. He requests to be released so that he can travel to and participate in this treatment program.

On July 28, 2021, defendant filed a supplement to his Motion for Pretrial Release. (Doc. No. 23). Therein he advises that his uncle, Mark Demarais, is willing to take third-party custody of him. He further advises that Mr. Demarais can pick him up on August 2, 2021, transport him to the Pretrial Services Office in Bismarck so that he can be hooked up to Active GPS location monitoring,

and then transport him to Alpha's facility in Minneapolis for treatment.

There being no objection from the United States, the court **GRANTS** defendant's motion (Doc. No. 22). Defendant shall be released no earlier than 5:00 AM MDT on August 2, 2021, to the third party custody of Mark Demarais, who agrees to (1) to supervise the defendant in accordance with all conditions of release, (2) to use every effort to assure the appearance of the defendant at all scheduled court proceedings, (3) to notify the Pretrial Services Officer immediately in the event the defendant violates any conditions of release or disappears, and (4) and transport defendant first to the Pretrial Services Office in Bismarck and then to Alpha. Defendant's release shall be subject to the following conditions:

1. Defendant shall not violate federal, state, tribal, or local law while on release.
2. Defendant must appear in court as required and must surrender to serve any sentence imposed.
3. Defendant shall report to the Pretrial Services Officer at such times and in such manner as designated by that Officer.
4. Defendant shall not possess a firearm, destructive device or other dangerous weapons.
5. Defendant shall submit his person, residence, vehicle, and/or possessions to a search conducted by a Pretrial Services Officer at the request of the Pretrial Services Officer. Failure to submit to a search may be grounds for revocation of pretrial release. Defendant shall notify any other residents that the premises may be subject to searches pursuant to this condition.
6. Defendant shall submit to Active GPS location monitoring. He shall pay all or part

of the costs of participation in the location monitoring program as directed by the Court and the Pretrial Service Officer. Upon his release from custody, Defendant shall immediately report to the Pretrial Services Office in Bismarck, North Dakota, where he will be hooked up Active GPS location monitoring equipment.

7. Once hooked up to the Active GPS location monitoring equipment, defendant shall immediately report to the Alpha's facility in Minneapolis. He shall reside at Alpha's facility, fully participate in its programming, and abide by all of its rules and regulations. He shall be responsible for all costs associated with the Alpha's treatment programming. He shall sign the necessary releases of information for the Pretrial Services Office to monitor his progress in the program.
8. Upon arriving at Alpha, defendant's shall be restricted to its facility except for employment, education, religious services, medical, substance abuse or mental health treatment, attorney visits, court appearances, court-ordered obligations or other activities as pre-approved by the Pretrial Services Office.
9. Defendant shall not associate with persons under the age of 18 except in the presence of a responsible adult who is aware of the nature of the defendant's background and current offense and who has been approved by the Pretrial Services Officer.
10. Defendant shall surrender any passport to the Clerk of District Court.
11. Defendant shall not possess or use a computer or have access to any on-line service without the prior approval of the Pretrial Services Office. Defendant's cooperation shall include, but not be limited to, allowing installation of a computer and Internet monitoring program and/or identifying computer systems, Internet-capable devices, and similar memory and electronic devices to which the defendant has access.

Monitoring may include random examinations of computer systems along with Internet, electronic, and media storage devices under the defendant's control. The computer system or devices may be removed for a more thorough examination, if necessary.

12. Defendant shall submit his person, residence, vehicle, and/or possessions to a search conducted by a Pretrial Services Officer at the request of the Pretrial Services Officer. Failure to submit to a search may be grounds for revocation of pretrial release. Defendant shall notify any other residents that the premises may be subject to searches pursuant to this condition.
13. Upon his discharge or termination from Alpha's treatment program, defendant shall immediately report to the United States Marshal's office in Bismarck with the understanding that he shall be detained pending further order of the court.
14. Defendant shall keep the Pretrial Services Office updated on his travel itinerary while he is in transit to Bismarck and Minneapolis.

**IT IS SO ORDERED.**

Dated this 30th day of July, 2021.

/s/ Clare R. Hochhalter  
Clare R. Hochhalter, Magistrate Judge  
United States District Court